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26 And DTRS Half Moon Bay, LLC

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 RICHARD SKAFF,) Case No. C 10 01115 CRB
2 Plaintiffs,) Civil Rights
3 vs.)
4 RITZ -CARLTON HOTEL)
5 COMPANY, LLC; SHC HALF MOON BAY,)
6 LLC; DTRS HALF)
7 MOON BAY, LLC; and DOES 1-25, Inclusive,)
8 Defendants.)
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STIPULATION AND PROPOSED ORDER REGARDING ENLARGEMENT OF TIME
Case No. C 10 01115 CRB

1 Plaintiff RICHARD SKAFF and defendants RITZ -CARLTON HOTEL COMPANY, LLC,
2 SHC HALF MOON BAY, LLC, and DTRS HALF MOON BAY, LLC, by and through their
3 counsel, enter into this stipulation regarding their mutual request for an enlargement of time to
4 continue the meet and confer process they have commenced pursuant to the terms of General Order
5 56, Paragraph 4, and for an order enlarging the time for plaintiff to file a "Notice Of Need For
6 Mediation," pursuant to General Order 56, Paragraph 6.

7 The parties have begun the meet and confer process with respect to the property at issue, the
8 Ritz-Carlton Hotel at Half Moon Bay, California. Under the current guidelines set by General
9 Order 56, the parties' meet and confer was to have been completed by August 20, 2010. The parties'
10 meet and confer efforts to date have been cooperative, and they would like additional time to
11 continue the process, with the goal of resolving most or all of the issues in dispute prior to any
12 mediation allowed pursuant to the terms of General Order 56, Paragraph 6. Accordingly,

13 IT IS SO STIPULATED THAT:

14 The parties stipulate to a request for an order enlarging the time to complete their meet and
15 confer process through October 29, 2010. They also stipulate to the request for an order enlarging
16 the time for plaintiff to comply with the provisions of General Order 56, Paragraph 6, which require
17 the plaintiff to file a "Notice Of Need For Mediation", so that any such notice would have to be filed
18 by November 8, 2010. These enlargements of time will not alter any event or deadline other than
19 those specified in General Order 56.

20 The parties further stipulate that this Stipulation may be signed in counterparts and that
21 signatures transmitted by facsimile or by e-mail shall be as valid and binding as original signatures.

22 Dated: August 25, 2010

SIDNEY J. COHEN PROFESSIONAL
CORPORATION

25 By: /s/ Sidney J. Cohen
26 Sidney J. Cohen
27 Attorney For Plaintiff, Richard Skaff

1 Dated: August 25, 2010

HINSHAW & CULBERTSON LLP

3 By:/s/ Anne D. O'Niell

4 Anne D. O'Niell

5 Dated:: August 25, 2010

DEUTSCH, KERRIGAN & STILES, LLP

7 By:/s/ Theodore L. White

8 Theodore L. White (*Pro Hac Vice*)

9 Attorneys For Defendants Ritz -Carlton Hotel Company,
10 LLC, SHC Half Moon Bay, LLC And DTRS Half Moon
11 Bay, LLC

12 **DECLARATION OF ANNE D. O'NIELL**

13 I, Anne D. O'Niell, declare:

14 1. I am counsel for defendants in this action. I am an attorney in good standing and
15 licensed to practice in the courts of the State of California, and in the federal courts of the State of
16 California, including the United States District Court for the Northern District of California. If called
17 upon to testify, I would testify as follows:

18 2. Pursuant to General Order 56 and this Court's Scheduling Order, the parties were
19 required to hold a joint site inspection by June 24, 2010 at the property and premises of the Ritz-
20 Carlton Hotel in Half Moon Bay, California. The parties sought and were granted an Order
21 enlarging the time for them to complete the joint site inspection to July 20, 2010 and enlarging the
22 time for them to complete their meet and confer process to August 20, 2010. The parties were able
23 to complete the joint site inspection by July 20, 2010, but, despite their good faith efforts, they were
24 unable to complete the meet and confer process by the August 20, 2010 deadline specified in the
25 Court's Order of June 30, 2010.

26 3. As indicated in prior submissions to this court, the Ritz-Carlton Hotel has 261
27 guestrooms and numerous other facilities, as well as extensive exterior areas, many of which include

1 items listed on plaintiff's expert's list of alleged access barriers. To date, the parties' meeting and
2 conference efforts have addressed all of the several hundred items listed on the plaintiff's expert's
3 site inspection report, but the parties have not yet reached agreement or final positions on these
4 items. While they have made progress, they will require additional time to discuss many of the
5 items at issue.

6 4. Counsel and the parties have agreed to request an enlargement of time, to October 29,
7 2010, to complete their meet and confer process, in the hope of reaching mutual agreement regarding
8 the accessibility issues alleged by the plaintiff, to avoid or limit the need for mediation.

9 5. Based on paragraphs 2 - 4 above, the parties need an enlargement of time through
10 October 29, 2010 to complete the "meet and confer" session. They also request an enlargement of
11 time until November 8, 2010 for plaintiff to file his Notice of Need For Mediation pursuant to
12 General Order 56, Paragraph 6.

13 6. With the exception of extending the meet and confer and mediation notice deadlines,
14 the extension does not effect court ordered deadlines.

15 7. A Stipulation to extend the time for Defendants to respond to the Complaint (Docket
16 No. 4) and the parties' Stipulation for an Order For Enlargement Of Time To Complete The General
17 Order 56 Joint Site Inspection And To Hold The General Order 56 "Meet And Confer" are the only
18 previous modifications in the case by Stipulation or Court Order.

19 I declare under penalty of perjury that the foregoing is true and correct.

20 Executed this 25th day of August 2010 at San Francisco, California.

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22 _____
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24 **ORDER**

25 Having considered the parties' Stipulation and the supporting Declaration, and for good
26 cause shown, the Court enlarges the date by which the parties are to complete their meet and confer
27 pursuant to the provisions of General Order 56, Paragraph 4 to October 29, 2010, and also enlarges
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1 the date by which the plaintiff must file his Notice Of Need For Mediation pursuant to General
2 Order 56, Paragraph 6 to November 8, 2010.

3 IT IS SO ORDERED:

4 Dated: August 26, 2010

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